

## **REMARKS**

### **Status of the claims:**

With the above amendments, claims 20-39 are added, claims 1-14 and 17-19 are canceled, and claims 15-16 and 20-39 are pending and ready for further action on the merits. No new matter has been added by way of the above amendments. Support for new claims 20-39 can be found in paragraphs [0028], [0029], [0035], [0037], [0038], and [0042]. Reconsideration is respectfully requested in light of the following remarks.

### **Rejections under 35 U.S.C. § 102**

Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by JP '545 (JP 41-0275545). Applicants traverse.

Applicants respectfully submit that

*A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).*

The Examiner has failed to disclose each and every element set forth in claims 15 or 16.

Claim 15 recites:

15. *A method comprising:*  
*heating a first element comprising an initial dimension, where the first element is part of an assembly, to a first temperature sufficient to expand the initial dimension to a first dimension, the first dimension greater than the initial dimension; and*  
*removing the first element from the assembly.*

In the Office Action of November 16, 2005, the Examiner states:

*'545 discloses a method comprising: heating a first element (22) comprising an initial dimension, where the first element is part of an assembly, to a first temperature sufficient to expand the initial dimension to a first dimension, the first dimension greater than the initial dimension; and removing the first element from the assembly (Fig. 1; Abstract).*

The abstract in JP '545 recites:

*PROBLEM TO BE SOLVED: To make possible mounting without increasing the housing space of a secondary battery by housing a contact member in which a heat expansive insulation material is intervened and bonded between two movable contact pieces in a hole provided through the insulation plate and providing an electrode on both faces of the insulation plate.*

*SOLUTION: A rectangular hole 11 is provided through an insulation plate 1. A mating tip ends of two movable contact pieces 21 are bonded with each other, a heat expansive insulation material 22 is filled between this mates and housed in the hole 11, the top and bottom of the hole 11 is covered, and an electrode 3 is provided to contact each movable contact tip 21. With this arrangement, the heat expansive insulation material 22 is thermally expanded with a heat expansion temperature of the heat expansive insulation material 22, a mating tip end bonding part of the movable contact tip 21 is removed, thereby being activated as a thermal fuse. The heat expansive insulation material 22 uses a thermoplastic resin or the like containing an expander in which a thermoplastic resin containing a foam or a low-boiling point hydrocarbon micro- encapsulated by an in-site polymerization method is contained.*

Applicants respectfully point out that the Examiner is incorrect to assert that JP '545 discloses removing a first element (*i.e.*, the element that is heated) from the assembly. From a close inspection of the abstract, it should be apparent that JP '545 heats a heat expansive material 22 and then removes movable contact tip 21. In other words, the element that is heated (*i.e.*, 22) is not the element that is removed (*i.e.*, 21).

In contrast, claim 15 claims, "heating a first element comprising an initial dimension, where the first element is part of an assembly, to a first temperature sufficient to expand the initial dimension to a first dimension, the first dimension greater than the initial dimension; and removing the first element from the assembly." From this claim it

should be apparent that a first element is heated and eventually a first element is removed. In other words, claim 15 is not anticipated by JP '545.

Likewise, claim 16 is dependent from claim 15. Because claim 15 is not anticipated by JP '545, claim 16 cannot be anticipated by JP '545. The rejection is inapposite. Withdrawal of the rejection is warranted and respectfully requested.

### **CONCLUSION**

With the above amendments and remarks, Applicants believe that all objections and/or rejections have been obviated. Thus, each of the claims remaining in the application is in condition for immediate allowance. A passage of the instant invention to allowance is earnestly solicited.

Applicants believe that no fee is necessary, however, should a fee be deemed to be necessary, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 16-1435.

Should the Examiner have any questions relating to the instant application, the Examiner is invited to telephone the undersigned at (336) 607-7486 to discuss any issues.

Respectfully submitted,

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